

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP,
BI-LEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS LIABILITY
LITIGATION**

This Document Relates to:

*All Personal Injury and Medical Monitoring
Cases*

Master Docket: No. 21-mc-1230-JFC

MDL No. 3014

**JOINT MOTION FOR ENTRY OF A SCHEDULING ORDER
SETTING AND/OR REVISING CERTAIN DEADLINES FOR
THE PERSONAL INJURY AND MEDICAL MONITORING TRACKS**

Plaintiffs and Defendants, through their undersigned counsel, jointly move the Court to enter the attached proposed scheduling order establishing the parties' revised, agreed-upon deadlines in the Personal Injury and Medical Monitoring tracks, and in support respectfully state as follows:

1. The parties have discussed and reached agreement on discovery and case management deadlines in the Personal Injury and Medical Monitoring tracks, as set forth in the attached proposed scheduling order.

2. With respect to the Personal Injury track, the parties were directed by the Court at prior Case Management Conferences to attempt to reach agreement on a proposed case management schedule incorporating directions from the Court. The parties engaged in extensive negotiations with the support and further direction of Special Master Katz. Accordingly, the parties propose the agreed-upon deadlines to complete general causation fact and expert discovery, and to file Rule 702 *Daubert* and dispositive motions on general causation, as set forth in the attached proposed order.

3. With respect to the Medical Monitoring track, the parties propose minor changes to the previously submitted and approved Scheduling Order (ECF No. 1911) to align with the proposed Personal Injury track deadlines.

Accordingly, the parties jointly request that the Court enter the attached proposed scheduling order setting certain agreed-upon deadlines in the Personal Injury and Medical Monitoring tracks.

Dated: November 7, 2023

/s/ Steven A. Schwartz

Steven A. Schwartz
CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH
361 Lancaster Avenue
Haverford, PA 19401
Tel: 610.642.8500
steveschwartz@chimicles.com

/s/ Sandra L. Duggan

Sandra L. Duggan
LEVIN SEDRAN & BERMAN
510 Walnut Street, Ste. 500
Philadelphia, PA 19106
Tel: 215.592.1500
sduggan@lfsblaw.com

/s/ Kelly K. Iverson

Kelly K. Iverson
LYNCH CARPENTER LLP
1133 Penn Avenue, 5th Floor
Pittsburgh, PA 15222
Tel: 412.322.9243
kelly@lcllp.com

/s/ Christopher A. Seeger

Christopher A. Seeger
SEEGER WEISS LLP
55 Challenger Road, 6th Floor
Ridgefield Park, NJ 07660

Respectfully Submitted,

/s/ John P. Lavelle, Jr.

John P. Lavelle, Jr. (PA 54279)
Lisa C. Dykstra (PA 67271)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
Tel: 215.963.5000
john.lavelle@morganlewis.com
lisa.dykstra@morganlewis.com

Wendy West Feinstein (PA 86698)

MORGAN, LEWIS & BOCKIUS LLP
One Oxford Center, 32nd Floor
Pittsburgh, PA 15219-6401
Tel: 412.560.3300
wendy.feinstein@morganlewis.com

Counsel for Defendant Philips RS North America LLC

/s/ Michael H. Steinberg

Michael H. Steinberg
SULLIVAN & CROMWELL LLP
1888 Century Park East
Los Angeles, CA 90067
Tel: 310.712.6670
steinbergm@sullcrom.com

Tracy Richelle High

William B. Monahan

Tel: 212.584.0700
cseeger@seegerweiss.com

Plaintiffs' Co-Lead Counsel

SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
Tel: 212.558.4000
hight@sullcrom.com
monahanw@sullcrom.com

Counsel for Defendants Koninklijke Philips N.V., Philips North America LLC, Philips Holding USA Inc., and Philips RS North America Holding Corporation

/s/ Eric Scott Thompson
Eric Scott Thompson
FRANKLIN & PROKOPIK
500 Creek View Road, Suite 502
Newark, DE 19711
Tel: 302.594.9780
ethompson@fandpnet.com

Counsel for Defendants Polymer Technologies Inc. and Polymer Molded Products, LLC

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2023, the foregoing document was electronically filed with the Clerk of the Court or served upon counsel of record through the Court's ECF system.

/s/ John P. Lavelle, Jr.

John P. Lavelle, Jr.